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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,519	11/30/2001	Etienne Degand	4004-025-30	6858

7590 05/23/2005

Patent Prosecution Services
Piper Marbury Rudnick & Wolfe
1200 Nineteenth Street NW
Washington, DC 20036-2412

EXAMINER	
JEFFERY, JOHN A	
ART UNIT	**PAPER NUMBER**
3742	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/926,519	DEGAND ET AL.	
	Examiner	Art Unit	
	John A. Jeffery	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8 and 11-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8 and 11-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *included herewith* .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Final Rejection – Prosecution Reopened

Applicant's Request for Reconsideration filed 5/13/05 (filed after the telephone interview of 5/12/05) is persuasive and the finality of that action is withdrawn. The examiner's summary of the interview is contained in the attached PTOL-413 hereby made of record.

However, due to the discovery of new prior art, prosecution is reopened and new grounds of rejection based on the newly-discoverd prior art follow. The examiner regrets the delay in citing this prior art.

Statutory Text in Previous Office Action

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Objections

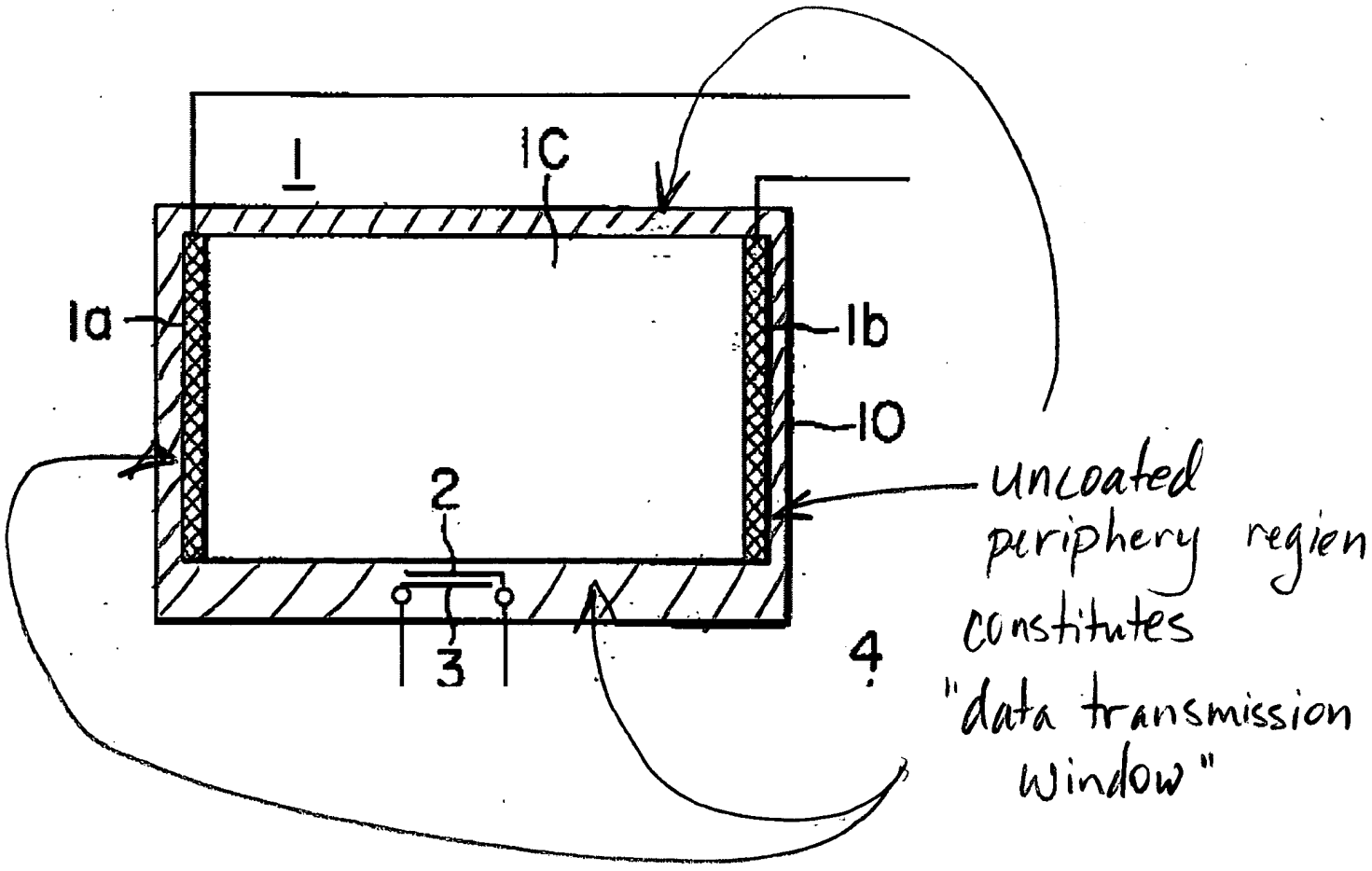
Claim 8 is objected to because of the following informalities:

In line 16, the word "side" must be inserted between "first" and "edge" for consistency and proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 11-13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al (US 3,902,040) in view of GB2186769 and further in view of EP401754. Ikeda et al (US 3,902,040) discloses a vehicle window heating system comprising vertical bus bars 1a, 1b positioned along side edges of glazing panel 10. An electrically heatable coating layer 1c spans the glazing panel and is located between the bus bars. When bus bars 1a, 1b are electrically energized, heat is generated by the electrically conductive coating 1C to eliminate moisture from the glazing panel. See Fig. 2. Because the periphery of the glazing panel is uncoated, a "data transmission window" is inherently present in this region. For clarity, Fig. 2 has been enlarged and annotated to clearly show this region:



The claims differ from Ikeda et al (US 3,902,040) in calling for a solar control coating. Such coatings, however, are well known in the art. GB2186769, for example, discloses an automotive glass plate comprising an electrically-heatable transparent solar control coating 32. See Page 1, lines 63-99. The heatable coating constitutes a "solar control coating" in view of its ability to reflect solar heat as noted on Page 1, lines 63-64. In view of GB2186769, it would have been obvious to one of ordinary skill in the art to provide such a coating in the apparatus of Ikeda et al (US 3,902,040) so that the coating reflected solar heat thus enhancing efficiency and visibility.

The claims differ from the previously described apparatus in calling for the glass plate to be a windscreen. But using heated glass plates with thin film electric heaters for either windscreens or rear windows is well known in the art. EP401754, for example, teaches providing an electrically-heated glass plate for use either as a windshield or a rear window. See col. 3, line 50 and col. 4, lines 3-4. The windscreen is heated by a thin-film resistor. Col. 3, lines 53-58. In view of EP401754, it would have been obvious to one of ordinary skill in the art to utilize the electrically-heated glass plate of the previously described apparatus as a windscreen so that ice and frost was melted therefrom, thus enabling clear vision through the windscreen.

Regarding claim 17, EP401754 notes in col. 3, lines 53-58 the desirability of uniformly heating the glass. In view of EP401754, it would have been obvious to one of ordinary skill in the art to uniformly heat the glass in the previously described apparatus to provide deicing heat uniformly along the glass surface, thus enabling clear vision uniformly along glass surface.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 8 and 11-17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,670,581 in view of Ikeda et al (US 3,902,040) and further in view of EP401754. Although the conflicting claims are not identical, they are not patentably distinct from each other because Ikeda et al (US 3,902,040) discloses a vehicle window

heating system comprising vertical bus bars 1a, 1b positioned along side edges of glazing panel 10. An electrically heatable coating layer 1c spans the glazing panel and is located between the bus bars. When bus bars 1a, 1b are electrically energized, heat is generated by the electrically conductive coating 1C to eliminate moisture from the glazing panel. See Fig. 2. The vertical arrangement of the bus bars enables substantially the entire width of the vehicle glass to be free of bus bars, thereby improving visibility. In view of Ikeda et al (US 3,902,040), it would have been obvious to one of ordinary skill in the art to provide vertical bus bars in the apparatus of the '581 patent to enable substantially the entire width of the vehicle glass to be free of bus bars, thereby improving visibility.

The claims also differ from the claims of the '581 patent in calling for the glass plate to be a windscreen. But using heated glass plates with thin film electric heaters for either windscreens or rear windows is well known in the art. EP401754, for example, teaches providing an electrically-heated glass plate for use either as a windshield or a rear window. See col. 3, line 50 and col. 4, lines 3-4. The windscreen is heated by a thin-film resistor. Col. 3, lines 53-58. In view of EP401754, it would have been obvious to one of ordinary skill in the art to utilize the electrically-heated glass plate of the previously described apparatus as a windscreen so that ice and frost was melted therefrom, thus enabling clear vision through the windscreen.

Regarding claim 17, EP401754 notes in col. 3, lines 53-58 the desirability of uniformly heating the glass. In view of EP401754, it would have been obvious to one of ordinary skill in the art to uniformly heat the glass in the apparatus of the claims of the

'581 patent to provide deicing heat uniformly along the glass surface, thus enabling clear vision uniformly along glass surface.

Other Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should (1) separately consider the art, and (2) consider the art together with the previously cited prior art for potential applicability under 35 U.S.C. §§ 102 or 103 when responding to this action. GB 179, US 396, US 419, US 177, US 397 disclose electrically heated windows relevant to the instant invention.

Response to Arguments

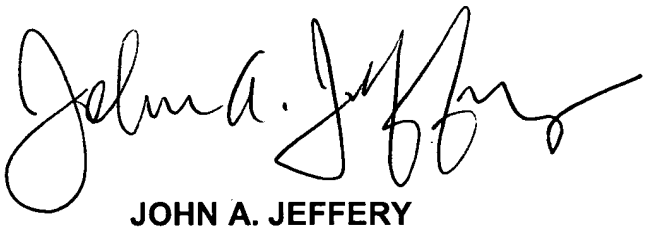
Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Jeffery whose telephone number is (571) 272-4781. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans, can be reached on (571) 272-4777. All faxes should be sent to the centralized fax number at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN A. JEFFERY
PRIMARY EXAMINER

5/16/05